



**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

Attorneys at Law

10 Madison Avenue, Suite 400
Morristown, NJ 07960
Telephone: 973-656-1600
Facsimile: 973-656-1611
www.ogletree.com

Michael Nacchio
Michael.Nacchio@ogletreedeakins.com

November 23, 2020

Via ECF

Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

***Re: HC2, Inc. v. Andrew Delaney
Civil Action No. 20-cv-03178-LJL***

Dear Judge Liman:

This firm represents HC2, Inc. Plaintiff writes to report on a discovery dispute in advance of the November 30, 2020 fact discovery deadline. The parties have unsuccessfully conferred as set forth below and Defendant also declined Plaintiff's overture to file a version of this letter as a joint letter.

Plaintiff conducted Defendant's deposition on September 9, 2020, as directed by the Court at the August 27, 2020 discovery conference. Plaintiff also served a post-deposition Request for Production of Documents (RFP) and a post-deposition Request for Admission (RFA) upon Defendant on October 7, 2020. Defendant did not respond to either. The RFP sought four items; the RFA interposed two questions.

Plaintiff informed Defendant's counsel by letter dated November 10, 2020 that Plaintiff had not received responses to either of the RFP and RFA. Plaintiff's letter also informed that Plaintiff deemed the RFAs admitted under Rule 36, and requested responses to the RFP by November 18, to "avoid the need for judicial intervention." Defendant's counsel responded by email later that day that Defendant had not "admitted anything" because the Court "stated at the last hearing that all discovery items...would be revisited after [the Court's] decision on HC2's motion to dismiss."

Therefore, Plaintiff brings the outstanding RFP and RFA to the Court's attention. We look forward to discussing them at the next scheduled conference in this matter.

A South Carolina Professional Corporation ■ Peter O. Hughes ■ New Jersey Managing Shareholder

Atlanta ■ Austin ■ Berlin (Germany) ■ Birmingham ■ Bloomfield Hills ■ Boston ■ Charleston ■ Charlotte ■ Chicago ■ Cleveland ■ Columbia ■ Dallas ■ Denver ■ Detroit Metro ■ Greenville
Houston ■ Indianapolis ■ Jackson ■ Kansas City ■ Las Vegas ■ London (England) ■ Los Angeles ■ Memphis ■ Mexico City (Mexico) ■ Miami ■ Milwaukee ■ Minneapolis
Morristown ■ Nashville ■ New Orleans ■ New York City ■ Oklahoma City ■ Orange County ■ Paris (France) ■ Philadelphia ■ Phoenix ■ Pittsburgh ■ Portland ■ Raleigh ■ Richmond
St. Louis ■ St. Thomas ■ Sacramento ■ San Antonio ■ San Diego ■ San Francisco ■ Seattle ■ Stanford ■ Tampa ■ Toronto (Canada) ■ Torrance ■ Tucson ■ Washington

Honorable Lewis J. Liman

HC2 Inc. v. Delaney

November 23, 2020

We thank the Court for its time and attention to this matter.

Respectfully Submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

s/ Michael Nacchio

Michael Nacchio

45060535.1